Comment Report

Judiciary
Date: 03/04/2021
Time: 01:00 PM
Location: Law Library

Name: Victoria Dietz

Comment: On the agenda for the committee is HSB 258. I ask you not to pass this bill. In preventing diversity and inclusion training, especially regarding race and gender, on the basis of being not racist or sexist, we in turn are being racist and sexist. While we do want to encourage nondiscriminatory practices, we can achieve this through trainings. It is vital to prevent implicit biases from negatively affecting marginalized groups in the workplace, as well as in their education. It is vital that we have discussions and trainings about race, ethnicity, gender, etc., as that is how we learn and grow, as well as become more inclusive in our practices. This is why I ask the Judiciary Committee to not pass HSB 258.

Name: Tammy Faux

Comment: Dear Judiciary Committee members,Regarding HSB 258 I strongly encourage you not to pass this bill. Restricting diversity and inclusion training, does not prevent, but instead expands racism and sexism. Education about implict biases and accurate information about discriminatory practices reduces the quality of our Iowa workforce. One of the best ways to increase the quality of our workforce interactions is through continuing and improving communication and awareness trainings, and these trainings on successful intergroup communications should be part of lifelong learning. Our state is part of the growing global community we need to encourage discussions and trainings about race, ethnicity, gender, and diverse spiritual practices, as that is how we learn and grow, as well as become more inclusive in our personal practices and workforce. I ask the Judiciary Committee to not pass HSB 258.

Name: Leonard Sandler

Comment: March 3, 2021House Judiciary CommitteeIowa General AssemblyState Capitol Building1007 East Grand AvenueDes Moines, IA 50319RE: Vote in Favor of House File 442 Mobile Home Park LawHow Iowa Law Measures Up to Laws Where OutofState Investors Are Based Leadership and Members of the House Judiciary Committee: We are writing to ask you to consider and approve HF 442 to balance the property interests of Iowa families who own their homes and the park owners who rent lots and spaces to them. A change to Iowa law is long overdue and is a matter of fairness and sound housing policy. This letter also includes our suggestions for amending the bill to both protect residents and allow owners to continue to earn a fair return on their substantial investment.Mobile home park residents vulnerability is not a new problem. In 1995, Iowa legislators proposed a bill to protect residents. The preamble read:The general assembly finds that unregulated market forces result in unfair and unconscionable practices in manufactured housing park tenancies and that, once a home is situated on a park site, the difficulty and cost of moving the home gives the park operator disproportionate power in setting the rent, fees, rules, and other aspects of the tenancy. The shortage of park spaces, existing law as to eviction rights, park operator restrictions of the resident's sale of the home, and park owner changes in the land use of the park exacerbate the problems of residents. The purpose of this chapter is to protect residents from a park operator's unconscionable actions and to provide residents with a minimum of security in their homes. The bill did not advance, but the problems have worsened. Outofstate investors have been buying up Iowas mobile home parks, insisting on monthtomonth leases, raising rents without any limit or reason, and ending leases without good cause. Iowa law allows these practices, which leaves homeowners in limbo with few options and legal protections. This encourages other park owners to follow suit and adopt these practices. A 2019 analysis showed that outofstate companies own nearly 50% of the lots rented in Iowas 549 or more mobile home parks. These investors are located and profitably operate in states whose laws provide far greater protection for mobile home owners than Iowa does; yet they argue and protest that HF442 would be unfair to them. The reality is Iowa law is unfair to the 30,000 families who live in mobile home communities throughout the state. Iowa residents who own their homes have little security or stability and are easy targets. And a law that only requires landlords to give tenants 90 days notice to remove their home from the park instead of the 60 days under current law is of little practical use or value to tenants. Iowans deserve the same basic protections as people living in states where investment companies operate. An ISAC inventory listed parks owned by companies based outside Iowa. Among the Top 10 were Minnesota, Colorado, Illinois, Utah, and Wisconsin; states where mobile home owners have the security of longterm leases or the right to remain in the park so long as they pay rent, obey laws and park rules, and are good neighbors. These are nutshell descriptions of these states laws and policies on this issue to use as a model or benchmark: Minnesota: You may keep your home in the park as long as the park is in operation and you meet your financial obligations, obey state and local laws which apply to the park, obey reasonable park rules, do not substantially annoy or endanger the other residents or substantially endanger park personnel and do not substantially damage the park premises. Colorado: Monthtomonth leases are standard but can be for a year or longer. The lease and tenancy continue until the park owner has good cause to end the relationship. Landlords cannot unilaterally terminate the lease without good cause. The law was revised and bolstered in 2019. Illinois: Park must offer tenant a written lease of not less than 24 months, which includes an option to automatically renew the lease unless tenant declines or landlord refused to renew for reasons such as violation of park rules, health and safety codes or irregular or nonpayment of rent. Landlord can increase rent or change terms with notice. Utah: A term or periodiclease continues until the tenant gives notice, landlord and tenant agree, or the landlord has good cause to terminate the tenancy, take possession, or evict the tenant. The landlord cannot unilaterally terminate the lease except for specified limited grounds.

Wisconsin: The tenancy of a resident or occupant in a community may not be terminated, nor may the renewal of the lease be denied by the community operator, except upon limited cause grounds. Iowans deserve no less. We ask that the House Judiciary Committee consider and approve the bill on or before this Friday, March 5, 2021. Please contact us if you have any questions or need additional information. Thank you in advance for your consideration and action. Sincerely, Krystal Daggett Clinic Law Student Benjamin Nevitt Clinic Law Student Michael Silberberg Law Student and Research Assistant Len Sandler Clinical Professor of Law Director, Law and Policy in Action Clinic Clinical Law Programs 380F Boyd Law Building Iowa City, Iowa 522421113 3193359030 (phone) 3193535445 (fax) Pronouns: he, him, his

March 3, 2021

House Judiciary Committee
Iowa General Assembly
State Capitol Building
1007 East Grand Avenue
Des Moines, IA 50319

RE: Vote in Favor of House File 442 – Mobile Home Park Law
How Iowa Law Measures Up to Laws Where Out-of-State Investors Are Based

Leadership and Members of the House Judiciary Committee:

We are writing to ask you to consider and approve HF 442 to balance the property interests of Iowa families who own their homes and the park owners who rent lots and spaces to them. A change to Iowa law is long overdue and is a matter of fairness and sound housing policy. This letter also includes our suggestions for amending the bill to both protect residents and allow owners to continue to earn a fair return on their substantial investment.

Mobile home park residents' vulnerability is not a new problem. In 1995, Iowa legislators proposed a bill to protect residents. The preamble read:

> *The general assembly finds that unregulated market forces result in unfair and unconscionable practices in manufactured housing park tenancies and that, once a home is situated on a park site, the difficulty and cost of moving the home gives the park operator disproportionate power in setting the rent, fees, rules, and other aspects of the tenancy. The shortage of park spaces, existing law as to eviction rights, park operator restrictions of the resident's sale of the home, and park owner changes in the land use of the park exacerbate the problems of residents. The purpose of this chapter is to protect residents from a park operator's unconscionable actions and to provide residents with a minimum of security in their homes.*

The bill did not advance, but the problems have worsened. Out-of-state investors have been buying up Iowa's mobile home parks, insisting on month-to-month leases, raising rents without any limit or reason, and ending leases without good cause. Iowa law allows these practices, which leaves homeowners in limbo with few options and legal protections. This encourages other park owners to follow suit and adopt these practices. A 2019 analysis showed that out-of-state companies own nearly 50% of the lots rented in Iowa's 549 or more mobile home parks. These investors are located and profitably operate in states whose laws provide far greater protection for mobile home owners than Iowa does; yet they argue and protest that HF442 would be unfair to them.

The reality is Iowa law is unfair to the 30,000 families who live in mobile home communities throughout the state. Iowa residents who own their homes have little security or stability and are easy targets. And a law that only requires landlords to give tenants 90 days' notice to remove their home from the park -- instead of the 60 days under current law -- is of little practical use or value to tenants.

Iowans deserve the same basic protections as people living in states where investment companies operate. An ISAC inventory listed parks owned by companies based outside Iowa. Among the Top 10 were Minnesota, Colorado, Illinois, Utah, and Wisconsin; states where mobile home owners have the security of long-term leases or the right to remain in the park so long as they pay rent, obey laws and park rules, and are good neighbors. These are nutshell descriptions of these states' laws and policies on this issue to use as a model or benchmark:

> *Minnesota:* "You may keep your home in the park as long as the park is in operation and you meet your financial obligations, obey state and local laws which apply to the park, obey reasonable park rules, do not substantially annoy or endanger the other residents or substantially endanger park personnel and do not substantially damage the park premises."
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> *Colorado:* Month-to-month leases are standard but can be for a year or longer. The lease and tenancy continue until the park owner has good cause to end the relationship. Landlords cannot unilaterally terminate the lease without good cause. The law was revised and bolstered in 2019.
>
> *Illinois*: Park must offer tenant a written lease of not less than 24 months, which includes an option to automatically renew the lease unless tenant declines or landlord refused to renew for reasons such as violation of park rules, health and safety codes or irregular or non-payment of rent. Landlord can increase rent or change terms with notice.
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> *Utah*: A term- or periodic-lease continues until the tenant gives notice, landlord and tenant agree, or the landlord has good cause to terminate the tenancy, take possession, or evict the tenant. The landlord cannot unilaterally terminate the lease except for specified limited grounds.
>
> *Wisconsin:* The tenancy of a resident or occupant in a community may not be terminated, nor may the renewal of the lease be denied by the community operator, except upon limited cause grounds.

Iowans deserve no less.

We ask that the House Judiciary Committee consider and approve the bill on or before this Friday, March 5, 2021. Please contact us if you have any questions or need additional information.

Thank you in advance for your consideration and action.

Sincerely,

Krystal Daggett
Clinic Law Student

Benjamin Nevitt
Clinic Law Student

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Name: Samantha Fillmore

Comment:

THE HEARTLAND INSTITUTE
FREEDOM RISING

Testimony Before the Iowa House Committee on Judiciary on House File 633 in Reference to Empower the Iowa Attorney General to Investigate and Seek Penalties from Social Media Websites Which Censor Constitutionally Protected Speech

The Heartland Institute
March 4, 2021

Chairman Holt and Members of the Committee:

Thank you for holding a hearing on House File 633, legislation that provides Iowans and their state government recourse when they have been censored or "de-platformed" on the various social media platforms that have become ubiquitous and integral to contemporary political speech and expression.

My name is Samantha Fillmore, and I am a State Government Relations Manager at The Heartland Institute. The Heartland Institute is a 37-year-old independent, national, nonprofit organization whose mission is to discover, develop, and promote free-market solutions to social and economic problems. Heartland is headquartered in Illinois and focuses on providing national, state, and local elected officials with reliable and timely research and analysis on important policy issues.

In less than a generation, emerging technologies and mediums promised democratization of free speech and political activism in a way never dreamed of by either its creators or users. Free speech and political activism, once the realm of partisans and professional pundits, was accessible such that people who were once spectators were now engaged, sharing their ideas and seeing their opinions manifest as public policy, and were challenging orthodoxies of a political class that seemed untouchable.

Yet that democratization gave way to the powers and pillars of technology in the blink of an eye. The consolidation of that power into the hands of a few titans in the sector has now effectively erased the empowerment of millions of Americans and their newfound voices.

Simply, these new technologies have been a blessing and a curse for our political discourse. On that, I think we can all agree.

Where it has empowered voices and people across the political spectrum, it has also empowered the voices that seek to divide us, misinform us, and manipulate us. I would like to tell you that the very platforms on which those messages are spread have been fair and impartial, yet the truth is that they haven't been. In fact, their behavior in recent years certainly suggest it is not an indifferent actor on our national stage.

As partisans squabble and media apparatchiks chirp, the social media companies have ascended from mere stages where players perform to being the protagonists and villains rolled into one driving force of the storyline. The result has been near universal frustration with the behavior of what has become colloquially known as Big Tech.

As a free-market organization, The Heartland Institute continues to grapple with and delineate a

comprehensive and deserving response to this ever-impinging force in our politics. Indeed, in a perfect world, I want to submit to you that legislation to rein in social media companies like Twitter or Facebook or technology giants like Amazon or Apple wouldn't be necessary. But that's not where we are today.

A consensus has yet to emerge on the best way to address Big Tech's censorship of voices on its platforms in a way that recognizes and reinforces America's treasured tradition of free speech - either ideologically or practically.

That is, though, ultimately, a generous and perhaps naive reading of the current landscape. Of course, you and I are free to use or not use the products offered by Facebook, Twitter, Amazon, or Apple and Google. Of that, there ought to be no question. However, to forego using products as ubiquitous and woven into the fabric of our modern daily life is to forego being engaged with family and friends or knowing in real time what our elected officials are doing (or not doing) on our behalf or to struggle to grow a small business and procure customers.

So here we are today, challenging the behavior of Big Tech, which has been less than transparent and lacks respect for the moral responsibilities that it has as a primary outlet for political discourse in our nation and the dissemination of information of public import.

Further, I remain skeptical that there is a single silver bullet and believe the solution likely lies in the congruence of federal legislation, state legislation, and judicial action.

However, doing nothing isn't an option. In politics and public policy, perception is reality and if Iowans are being censored and the response they hear from Des Moines is that the issue is too complicated or that Big Tech is adjusting its practices, their frustration with policymakers will be well-placed.

Industry opponents of this idea – of providing redress for censorship and suppression – enjoy a government sanctioned market where the dominant players are largely immune to competition by which our economy is underpinned. That Section 230 of the 1996 Telecommunications Decency Act exists is prima facie evidence of a corrupted market.

For Big Tech, the status quo is lucrative and rewards their own pious views while the users from which they profit are subject to their whims.

House File 633 should spur a state-based and national debate on the role of Big Tech in our civic conversations. Beehive staters should be clear that robust public debate is sacrosanct and any action or failure to act to ensure a robust debate will be met with hard questions, and if necessary, enabling policies.

Thank you for your time today.

For more information about The Heartland Institute's work, please visit our websites at www.heartland.org or http:/news.heartland.org, or call at 312/377-4000. You can reach Samantha Fillmore by email at Sfillmore@heartland.org